



JON S. CORZINE
GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
MARCH 8, 2006**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Joseph Ante
City of Camden
Fire Department
Suspensions (2)

In the Matter of John Bocchino
County of Essex
Department of Corrections
Removal

In the Matter of Graciela Cruz-Reed
City of Trenton
Department of Administration
Suspension

In the Matter of Tyrone Green
Ancora Psychiatric Hospital
Department of Human Services
Resignation not in good standing

In the Matter of Eugene James
County of Passaic
Juvenile Detention Center
Suspension

In the Matter of Darren Lios
County of Morris
Department of Public Works
Suspension and Removal

In the Matter of James Martin
County of Mercer
Department of Public Safety
Removal

In the Matter of Nicole Pullen
Ann Klein Forensic Center
Department of Human Services
Suspensions (2) and Removals (5)

In the Matter of Manuel Sa
Northern State Prison
Department of Corrections
Removal

In the Matter of Howida S. Youssef
Jersey City School District
Release at the end of the working test period

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE
ABOVE CASES – SETTLEMENT**

ACTION:

A-2 DORIAN COOPER (CONSOLIDATION)

Dorian Cooper, Security Officer, Newark Housing Authority, 30-day suspension on charges of chronic or excessive absenteeism or lateness and removal effective January 12, 2004, on the charge of neglect of duty.

Recommendation of the Administrative Law Judge – Dismiss the appeal of the 30-day suspension and uphold the removal.

ACTION:

A-3 TYRONE MABSON

Tyrone Mabson, Human Services Specialist 1, Monmouth County Department of Human Services, release at the end of the working test period effective October 20, 2004.

Recommendation of the Administrative Law Judge – Uphold the release at the end of the working test period.

ACTION:

A-4 NORA VILLANUEVA

Nora Villanueva, Counselor, Penal Institutions, Hudson County Department of Corrections, 20-day suspension on charges of incompetency, inefficiency or failure to perform duties, insubordination, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge - Uphold the 20-day suspension.

ACTION:

A-5 SUSAN WOOLFORD

Susan Woolford, Records Technician 2, Motor Vehicles, Motor Vehicle Commission, return to formerly held permanent title of Support Services Representative 2, effective December 14, 2003 at the end of the working test period.

Recommendation of the Administrative Law Judge – Uphold the return to formerly held permanent title of Support Services Representative 2.

ACTION:

A-6 KAMBUI HANNIBAL

Kambui Hannibal, Maintenance Repairer, Atlantic City Housing Authority, 66-day and 34-day suspensions and removal effective December 19, 2003, on charges of conduct unbecoming a public employee and other sufficient cause. It is noted that since the periods of suspension relate to the charges regarding the removal, the ALJ considered them all as pertaining to the removal.

Recommendation of the Administrative Law Judge - Modify the removal to a six-month suspension.

ACTION:

A-7 JANE MOUNT

Jane Mount, Human Services Assistant, Woodbine Developmental Center, Department of Human Services, removal effective March 12, 2004, on the charge of physical abuse of a consumer.

Recommendation of the Administrative Law Judge - Uphold the removal.

ACTION:

A-8 KATEASHA REED

Kateasha Reed, Human Services Assistant, Vineland Developmental Center, Department of Human Services, removal effective July 15, 2004, on charges of neglect of duty to tasks which could result in danger to persons and sleeping on duty.

Recommendation of the Administrative Law Judge - Uphold the removal.

ACTION:

A-9 DARNELL STITH

Darnell Stith, Senior Correction Officer, Northern State Prison, Department of Corrections, removal effective June 10, 2003, on charges of conduct unbecoming a public employee, other sufficient cause and use, possession or sale of any controlled dangerous substance.

Recommendation of the Administrative Law Judge - Uphold the removal.

ACTION:

A-10 DAWN TERRY

Dawn Terry, Police Officer, City of Newark, Police Department, removal effective April 30, 2002, on charges of conduct unbecoming a public employee, neglect of duty and violation of several Police Department rules and regulations.

Recommendation of the Administrative Law Judge - Uphold the removal.

ACTION:

A-11 CRYSTAL SNYDER

Crystal Snyder, Human Services Technician, NJ Veterans Memorial Home, Vineland, two removals effective October 4, 2004, on charges of neglect of duty, loafing, idleness or willful failure to devote attention to tasks which could result in danger to persons or property and physical or mental abuse of a patient, client, resident, or employee. This matter was previously presented to the Merit System Board at its regular meeting of December 21, 2005, but was held over for a testimony summary.

Recommendation of the Administrative Law Judge – Reverse the removals.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 ALTHEA GIBSON

Althea Gibson appeals her rejection as a Police Officer by the City of East Orange and its request to remove her name from the eligible list for Police Officer (S9999F) on the basis of medical unfitness to perform effectively the duties of the position.

ACTION:

B-2 ANTHONY D'ERRICO

Anthony D'Errico, a Business Representative 3, with the Department of Labor and Workforce Development, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-3 DONALD COLEMAN

Donald Coleman, a Correction Lieutenant with the Albert C. Wagner Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-4 MAURICE BOOKER

Maurice Booker, a Senior Correction Officer with South Woods State Prison, Department of Corrections, represented by Robert Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-5 ANGELO SOTO

Angelo Soto, a Senior Correction Officer with South Woods State Prison, Department of Corrections, represented by Robert C. Wolf, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 PAULETTE CAPUTO

Paulette Caputo, a Practical Nurse with the Juvenile Justice Commission, Department of Law and Public Safety, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 JOSEPH GRADY

Joseph Grady, a former Building Maintenance Worker with the Burlington County Office of Aging, appeals his resignation in good standing.

ACTION:

B-8 HECTOR ESQUIVEL

Hector Esquivel, a Senior Parole Officer with the State Parole Board, appeals the determination of the Executive Director, SPB, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-9 JOHN HAWTHORNE

John Hawthorne, a former Senior Tree Climber with the Monmouth County Shade Tree Commission, requests a hearing regarding his separation from employment.

ACTION:

B-10 DARRYL JOHNSON

The Superior Officers Association, Fraternal Order of Police, Lodge 165, petitions the Merit System Board for reconsideration of the decision rendered on July 27, 2005, which permitted the intergovernmental transfer of Darryl Johnson from the title of County Correction Captain, Camden County, to the title of County Correction Captain, Gloucester County.

ACTION:

B-11 NIRMAL SAWHNEY

Nirmal Sawhney petitions the Merit System Board for reconsideration of the decision rendered on September 21, 2005 (*In the Matter of Harry Corey, et al.*) which found that she was correctly scored on the promotional examination for Forensic Scientist 3, Department of Law and Public Safety (PS1165P), Division of State Police.

ACTION:

B-12 DONNA CLARK

The Judiciary, Vicinage 15, Cumberland/Gloucester/Salem Counties, petitions the Merit System Board for reconsideration of the final administrative decision, rendered on September 21, 2005, in which the Board granted Donna Clark's request for sick leave injury (SLI) benefits.

ACTION:

B-13 DANIEL LOBUE

Daniel LoBue, represented by Bruce D. Leder, Esq., requests reconsideration of the final administrative determination in *In the Matter of Daniel LoBue, Police Captain (PM3549F), City of Hoboken* (MSB, decided February 9, 2005).

ACTION:

B-14 COUNTY CORRECTION LIEUTENANT (PC2647F), SUSSEX COUNTY SHERIFF'S OFFICE

The Division of Human Resource Information Services requests that the Merit System Board order the Sussex County Sheriff's Office to return the October 13, 2005 certification (PL051672) of the eligible list for County Correction Lieutenant (PC2647F) for proper disposition.

ACTION:

B-15 BRIAN HAMMARSTROM

The Township of Marlboro, represented by Parthenopy A. Bardis, Esq., appeals the determination of the Division of Human Resource Information Services which mandated that the Township consider Brian Hammarstrom for appointment from the January 24, 2005 certification of the Police Officer (S9999F), Marlboro Township eligible list.

ACTION:

B-16 CRAIG ROGERS

Craig Rogers, County Correction Officer, Essex County, Department of Corrections, represented by Ciro A. Spina, III, Esq., requests Merit System Board review of a five day suspension pursuant to *N.J.A.C. 4A:2-2.2(a)4*.

ACTION:

B-17 HESTER RIDGEWAY

The appeal of Hester Ridgeway, a Correction Officer Recruit with South Woods State Prison, Department of Corrections, of her removal, effective August 13, 2004, on charges, was heard by Administrative Law Judge W. Todd Miller, who rendered his initial decision on December 30, 2005. At its meeting on February 8, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a 90-day suspension. Rather, the Board upheld the appellant's removal. The proposed final decision is now submitted for the Board's review.

ACTION:

B-18 LEO BENDE

The appeal of Leo Bende, a County Correction Officer with Burlington County, of his removal, effective April 8, 2005, on charges, was heard by Administrative Law Judge Solomon A. Metzger, who rendered his initial decision on January 12, 2006. At its meeting on February 22, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the removal to a 30-day suspension. Rather, the Board imposed a 60 calendar day suspension. The proposed final decision is now submitted for the Board's review.

ACTION:

B-19 MARIANO DEL VALLE

The appeal of Mariano Del Valle, a former Police Officer with the Township of Lakewood, of his removal effective November 18, 2003, on the charge of inability to perform duties, was heard by Administrative Law Judge James W. Faison, III, who rendered his initial decision on December 27, 2005. At its meeting on February 8, 2006, the Merit System Board adopted the ALJ's recommendation to uphold the removal. The proposed final decision is now submitted for the Board's review.

ACTION:

B-20 ALTON PAYTON

The appeal of Alton Payton, a Senior Correction Officer with the Central Reception and Assignment Facility, Department of Corrections, of his 30-day suspension, on charges, was heard by Administrative Law Judge John R. Tassini, who rendered his initial decision on November 4, 2005. At its meeting on February 22, 2006, the Merit System Board did not adopt the ALJ's recommendation to modify the 30-day suspension to a 15-day suspension. Rather, the Board upheld the 30-day suspension. The proposed final decision is now submitted for the Board's review.

ACTION:

B-21 LISA SITZE, ET AL.

Lisa Sitze (PS5380K), Central Office; Michael Driscoll and Jose Vasquez (PS5460K), Northern Region; Jessica Houghton (PS5465K), Southern Region; Deborah Halko and Lisa Tooter (PS5474K), Central Region; Marie Abraham, Gwendolyn Durham, Maryellen Esposito, John Lowney, Nicole Rubino, and Shirley Sherer (PS5496K), Metropolitan Region; and Jose Vasquez, Supervising Family Service Specialist 2, Bilingual in Spanish and English (PS5461K), Northern Region appeal the determinations of the Division of Selection Services that found that they did not meet the experience requirements, or did not meet the experience requirements per the substitution clause for education, for their respective promotional examinations for Supervising Family Service Specialist 2, Division of Youth and Family Services.

ACTION:**B-22 SHAWNITA DOZIER AND DONSHAE JOYNER**

Shawnita Dozier and Donshae Joyner appeal the determinations of the Division of Selection Services which found that, per the substitution clause, they did not meet the experience requirements for the promotional examination for Management Assistant (PS7668K), Department of Human Services.

ACTION:**B-23 DAMIANA KIERNAN**

June Levy, Assistant Director, Division of Consumer Affairs, on behalf of Damiana Kiernan, appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Management Assistant (PS6291P), Division of Consumer Affairs.

ACTION:

B-24 TAMMI I. WEISEL

Tammi I. Weisel appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Storekeeper 2 (PS6470I), Mountainview Youth Correctional Facility.

ACTION:

B-25 KIMBERLY FLETCHER

Kimberly Fletcher appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Technician, Management Information Systems (PS6640K), Division of Youth and Family Services.

ACTION:

B-26 ATIERA ABATEMARCO

Atiera Abatemarco appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the open-competitive examination for Health Educator (C9803G), Hunterdon County.

ACTION:

B-27 DENISE L. FRITZ

Denise L. Fritz appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Buyer (PM0443G), Township of Holmdel.

ACTION:

B-28 ALFONSO F. NICHOLAS

Alfonso F. Nicholas appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the promotional examination for Administrative Analyst 1 (PS6212K), Department of Human Services.

ACTION:

B-29 ADRENA CUNNINGHAM AND ELISA MULVINE

Adrena Cunningham and Elisa Mulvine appeal the decisions of the Division of Selection Services that they did not meet the experience requirements for the open-competitive examination for Child Care Quality Assurance Inspector 1 (S6854G), Statewide.

ACTION:

B-30 CELIA R. PEDRO AND LOUIS S. SILAGY

Celia R. Pedro and Louis S. Silagy appeal the determinations of the Division of Selection Services which found that they did not meet the education and experience requirements for the open-competitive examination for Assistant Buyer (S0454G).

ACTION:

B-31 MICHAEL ANAZODO, ET AL.

Michael Anazodo, Lobna Eltoukhy, Kerri O'Toole and Usha Shah appeal the determinations of the Division of Selection Services which found that they did not meet the education requirements for the open-competitive examination for Chemist (S0451G).

ACTION:

B-32 MICHAEL MORGAN

Michael Morgan appeals his score on the open-competitive examination for Security Guard (C1110G), Ocean County.

ACTION:

B-33 EDLINE PIARD

Edline Piard appeals her score on the promotional examination for Accountant 3 (PS2741N), Department of Labor and Workforce Development.

ACTION:

B-34 RAYMOND MONTAGANO AND SHARON VERDE

Raymond Montagano and Sharon Verde appeal their scores on the open-competitive examination for Investigator Student Loans (S0465G), Department of Higher Education.

ACTION:

B-35 LAWRENCE MIDDLETON

Lawrence Middleton appeals the denial of his request for a make-up examination for the open-competitive examination for Program Development Specialist 1, (Corrections) (S6831G), Department of Corrections.

ACTION:

B-36 PATRICIA POINTON

Patricia Pointon appeals the requirement that she take an actual written test for the promotional examination for Technician, Management Information Systems (PS3907G), Department of Environmental Protection.

ACTION:

B-37 KIMBERLEY RESETER

Kimberley Reseter appeals the determination of the Division of Selection Services which found that she was not eligible for the promotional examination for Customer Service Representative 3 (PS5954T), Motor Vehicle Commission, because her application was received after the closing date of the examination announcement.

ACTION:

B-38 JAMES BONELLI

James Bonelli appeals the determination of the Division of Selection Services that denied his admittance to the promotional examination for Deputy Fire Chief (PM3618G), Passaic.

ACTION:

B-39 MARIE EXANTUS

Marie Exantus appeals the denial of her admittance to the open competitive examination for Principal Laboratory Technician (S0287G).

ACTION:

B-40 APRIL K. NAYLOR

April K. Naylor petitions the Merit System Board to accept her applications for the promotional examinations for Records Technician 3, Motor Vehicles (PS5621T) and Support Services Representative 2 (PS5622T), Motor Vehicle Commission.

ACTION:

B-41 ALFRED KNOTH

Alfred Knoth appeals the determination of the Division of Selection Services which found that he was not eligible for the promotional examination for Senior Road Repairer (PM1659G), Township of Rockaway, because his application was postmarked after the closing date of the examination announcement.

ACTION:

B-42 THERESA MALDONADO

Theresa Maldonado, represented by Dominick Antonicello, Staff Representative, CWA Local 1037, petitions the Merit System Board to accept her untimely application for the promotional examination for Customer Service Representative 2 (PS5952T), Motor Vehicle Commission.

ACTION:

B-43 JEREMY J. NICHOLS

Jeremy J. Nichols, represented by Barbara M. Paul, Esq., appeals the decision of Human Resource Information Services which upheld the removal of his name from the eligible list for County Correction Officer (S9999F), County of Camden, on the basis of an unsatisfactory background report.

ACTION:

B-44 PROPOSED AMENDMENTS TO N.J.A.C. 4A:2-1.6, 1.7, 2.1, 2.2, 2.7, 2.9, AND 2.10 (APPEALS, DISCIPLINE AND SEPARATIONS)

It is recommended that the proposed amendments to *N.J.A.C. 4A:2-1.6, 1.7, 2.1, 2.2, 2.7, 2.9, and 2.10* (Appeals, Discipline and Separations) be adopted without change.

ACTION:**B-45 RECENT COURT DECISIONS**

Submitted for the Board's information are summaries of recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of J.D. (Justin Delaney)* (Appellate Division, decided 12/6/05); *In the Matter of Senior Training Technician (PC2241C), Passaic County Board of Social Services* (Appellate Division, decided 12/20/05); *In the Matter of Thomas Curtis* (Appellate Division, decided 12/21/05); *Tammy Travis v. New Jersey Department of Personnel and City of Newark* (U.S. District Court, decided 12/29/05); *In the Matter of George Moore, Police Department, City of Jersey City* (Appellate Division, decided 1/26/06); *In the Matter of Bruce Norman, City of Asbury Park* (Appellate Division, decided 1/26/06); and *In the Matter of Nathaniel Johnson, III, Correction Officer Recruit (S9999D)*, Department of Corrections (Appellate Division, decided 1/30/06).

ACTION:**B-46 MERIT SYSTEM BOARD MINUTES**

The Merit System Board minutes of its meeting of February 22, 2006 are submitted for adoption.

ACTION: